

REMARKS

As a result of the above amendments, Claims 1-23 remain pending. Claims 8 and 21 have been amended. No new matter has been added.

Examiner Interview

Applicants thank the Examiner for his time to conduct a telephone interview on March 24, 2006 with the undersigned counsel. During the interview, the pending claims, Japanese Patent No. 2000-159254 ("JP '254"), and potential claim amendments were discussed.

Allowable Subject Matter

As provided in the Final Office Action, Claims 1-7 and 12-18 are allowed.

Amended Claims

Consistent with that discussed with the Examiner, independent Claim 8 has been amended: (a) to require the opening to be positioned entirely in the top wall; and (b) to clarify that the spacing of the retaining element and the opening is defined with respect to a center point of the body. Similarly, independent Claim 21 has been amended: (a) to require the drink opening to be positioned entirely in the top wall; and (b) to clarify that the positional relationship of the retaining element and the drink opening is defined with respect to a center point of the central portion. Because none of the cited art, including JP '254, discloses or suggests all claim elements, Claims 8-11 and 21-23 are allowable.

Section 103 Rejection

In paragraph four of the Office Action, Claims 19 and 20 were rejected under 35 U.S.C. §103(a) as being obvious over JP '254. Applicants respectfully traverse this rejection.

Independent Claim 19 is directed to a lid for a container holding a flowable substance and requires, among other things, a body having a top wall defining a substantially circular periphery, the body further having a drink opening positioned entirely *in the top wall*, the body further having a first retaining element and a second retaining element wherein both retaining

elements are positioned *in the top wall*, the body further having a mounting portion adapted to mount on the container. In the Final Office Action, the Examiner construed JP '254's edge portion between the central portion 3a and the sidewall of the body 3 as the claimed top wall (see Fig. 2). As discussed during the Examiner Interview, JP '254's drink opening is at either the base or upper end of the spout 2, which is radially inward of the construed top wall. Similarly, the retainer plug 8 is positioned above, not in, the construed top wall (see Fig. 4). In fact, there is no structure *in* the construed top wall of JP '254. For these reasons, independent Claim 19 and dependent Claim 20 are allowable.

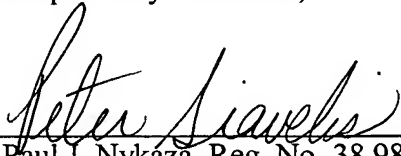
CONCLUSION

In view of the foregoing, Applicants believe that Claims 1-23 are in condition for allowance, and respectfully request early notice of the same. Applicants request that the Examiner call the undersigned attorney with any questions concerning this Reply, or if it will expedite the progress of this Application.

Respectfully submitted,

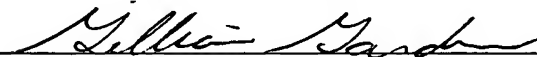
Dated: March 27, 2006

By: _____


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Gillian Gardner/242040